

Family Court Services Parent Manual



Introduction



The purpose of this handbook is to introduce you to family court mediation, teach you how to remain actively involved in parenting your children after divorce or separation, and how to reduce conflict with the other parent.

You will learn:

- How to become a cooperative parent.
- To identify the needs and feelings of children going through separation or divorce.
- To identify the needs and feelings of parents going through separation or divorce.
- Ways to reduce conflict with the other parent.
- How to develop an effective parenting plan.

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Family Law Mediation

When parents separate or divorce, they must make decisions about how they will raise their children. These are the most important decisions parents make and sometimes the most difficult. California law requires parents to meet with a mediator before they go to court when they cannot agree on how to share their parenting responsibilities.

What is Mediation?

- Mediation is a meeting between parents and a mediator to develop a child-sharing plan, which is in the child's best interest and protects the child's right to have a relationship with both parents.
- In mediation, parents can come up with their own plan for the care of their children. The legal term for this is "stipulation." It can also be called a "parenting plan" or a "parenting agreement." When you are able to design your own plan, you are in charge of it.
- Child support and other financial issues will not be addressed in mediation.



What is a Mediator?

- A mediator is a trained mental health professional who is required to have a master's degree in a behavioral health field.
- In Kern County, our mediators are licensed counselors or interns. The mediator is required to tell you whether he or she is licensed or an intern.
- A mediator listens to and works with both parents to develop a plan that is in the best interest of your children.
- A mediator is impartial and keeps things fair.
- A mediator helps you look at different options.
- A mediator cannot give you legal advice but may spend time educating you about child development and ways to help your children cope with the separation of their parents.

Before Mediation Begins

- You will be given a date and time for mediation. If the date for court is the same as your date for mediation, come to mediation first.
- Please arrive several minutes early.
- You will be asked to fill out a brief questionnaire and be given a copy of the informed consent to read.
- If one parent does not show up, the other parent will be released. The Judge can fine the parent who fails to appear up to \$250.00.
- You must show up for your court hearing.

Who Must Attend Mediation?

- Parents of the children
- Children eight years of age or older. (*The mediator will determine if it is necessary to speak with your children.*)
- Legal guardian(s) of parents who are unmarried minors.



TALKING TO CHILDREN

- The mediator will never ask where children want to live because children should never be asked to choose between their parents.
- The mediator will not ask the children how they want their visitation to be. Custody and visitation are decisions the parents make, not children.
- The mediator will ask them questions about how they are doing with the changes in their lives and help them to understand the court processes.
- The mediator will only share with parents what children give them permission to share.
- Please respect your child's privacy and do not ask your child what they discussed with the mediator.

Interpreters

Family Court Services has bilingual mediators for Spanish speakers. Parents must bring their own interpreters for other languages.



Attorneys
are not
allowed to
attend
mediation.

Support Persons

- You may bring a support person with you, but they must remain in the waiting room, unless you have filed under domestic violence. Then one person can attend mediation with you.
- Please limit the number of support persons you bring with you.
- Choose your support person carefully, so conflicts in the waiting area do not occur.

Domestic Violence

- The law allows parents to attend mediation separately when one has filed under domestic violence or there is an active restraining order.
- Parents in domestic violence cases may also request to sit in a separate waiting area.

When Mediation Begins

The mediator will ask you into an office and go over the informed consent.



Confidentiality of Mediation

- Mediation is a confidential process. In Kern County, the mediator does not make recommendations to the judge about custody or visitation.
- This means the mediator cannot discuss the mediation with anyone, including the judge.

Exceptions to Confidentiality

- A mediator must report suspected child abuse or neglect.
- A mediator must report if a person wants to hurt another person or hurt himself or herself.
- A mediator may recommend the appointment of counsel for the children.
- A mediator may recommend a child custody evaluation.

Conflicts of Interest

If you have reason to believe the mediator assigned to you cannot be impartial, please tell the mediator so a new mediator can be assigned to you.

Mediation Rules

- Each parent is treated with respect and given the opportunity to explain his or her viewpoint and concerns.
- Each parent listens respectfully to the other parent.
- Each parent is asked to put the children's needs first and make the children the focus of the mediation.
- Each parent accepts that children have a right to a relationship with both parents as long as it is safe for them.
- Violence or threats of violence are not allowed.



Any disagreements you may have with the other parent are seen as problems to be solved, not a fight to be had.



Results of Mediation

The court expects you to come up with a parenting plan that is in the best interest of your children. If you are able to come to a **FULL AGREEMENT**, your plan will be typed up by the mediator for both parents and the judge to sign. It does not become a court order until you appear before the judge and the judge signs it.



If you are able to agree on only parts of a plan, the mediator can do a **PARTIAL AGREEMENT** and leave certain issues for you to discuss with the judge.

If you cannot agree on a plan, (**NO AGREEMENT**) the judge will conduct a hearing and order a plan for you.

If you have an attorney, your attorney can review your plan before the hearing.

Preparing Yourself for Mediation

Be Aware of Your Grief

Most people believe their marriage or romantic relationship will last and they will raise their children together.

When the relationship ends a natural reaction to the ending is grief.

Going through the following stages of grief is the way a person accepts the loss of their relationship.

The stages may not happen in the order listed and a stage may last for minutes, years or never be completed.

A person may complete a stage and then return to it again later. The goal of the stages of grief is not to stop hurting but to accept that your relationship has ended and be able to move on.



STAGES:



Shock and Denial - You have feelings of disbelief or numbness, which may lead to feelings of emotional or physical distress or panic.

Bargaining - You make promises or deals to try to keep the relationship from ending.



Anger - You are irritable and angry. You blame the other parent and feel resentful.

Depression - You are sad, lonely, discouraged, full of self-doubt, without focus, feel guilty and question your own abilities.

Acceptance - You accept the reality of the separation and have hope for yourself as an individual and as a parent.

- It is important to understand the feelings you have regarding the end of your relationship and how they may be affecting your ability to be a cooperative parent.
- Do not let your grief create a wall between you and the child's other parent.



If your grief keeps you from working with the other parent, please GET HELP!

Take care of yourself so you can be available for your children!

- Seek other adults to fill your needs for companionship and not your children.
- Allow your child to remain a child.
- Develop a social group.

Changing from a Partner to a Cooperative Parent



Make a commitment to raise your children together.

Work as a Team



- Treat each other like business partners.
- Talk to teachers, doctors, or other professionals together.
- Make decisions about the children together whenever possible.

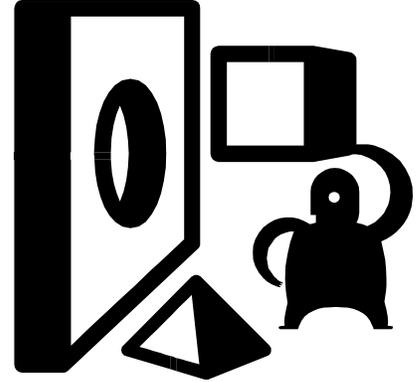
Children's Daily Care

- Talk to each other regarding daily routines before making any major changes.
- Each parent is responsible for the children's daily care when the children are with them.

Seven Steps to Problem Solving

Step One - Define the Problem

Make sure you and the other parent agree on what the problem is before you talk about solutions. This may not be as easy as it sounds. Take your time with this step.



Step Two - Study the Problem

Ask questions, such as:

- Why is this a problem?
- How has it become a problem?
- What is the difference now?
- Are we misunderstanding one another?



Step Three - Identify Solutions

This is when you and the other parent "brainstorm," to come up with ideas to solve the problem. Do not criticize the other person's ideas no matter how silly or unrealistic they may sound.

Step Four - Choose a Solution

Choose a solution that can best serve your child and try it out. You may have to compromise on some of the things you want in order for a solution to be found. Decide on how long you want to try out the solution, four weeks, six months, etc.



Step Five - Check out the Solution

After your specified time, get together with the other parent and ask each other how things are working out. Some children can be involved at this step and give their input.



Step Six - Develop an Action Plan

If things are working out, then keep things as they are. If your original solution is not working, (change it, or come up with a new solution.) Repeat step three, "brainstorming."

Step Seven - Begin your Plan

Put your new plan or modified plan into action with a time frame to evaluate it. Repeat all the steps until you find a solution that works. This can be done whenever a plan is not working or when a plan needs some tweaking.

Travel

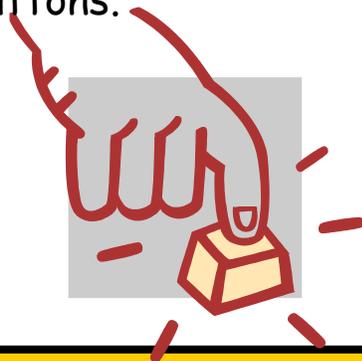
Provide the other parent with information regarding out of town trips with the children.

- Where
- When
- Phone Numbers



Be Courteous

- Control the urge to tell the other parent how to parent.
- Do not make assumptions.
- Have clear and specific agreements
- Minimize confrontations.
- Do not push each other's "buttons."



Be Respectful

- You are a guest in the other parent's home; wait to be invited in.
- Do not wander around the house.
- Both parents have a right to their privacy.
- Never make negative comments about the other parent's partner.

Instead of fighting for your children, make peace with the other parent for the sake of your children.

Then everyone will win!

Communicate



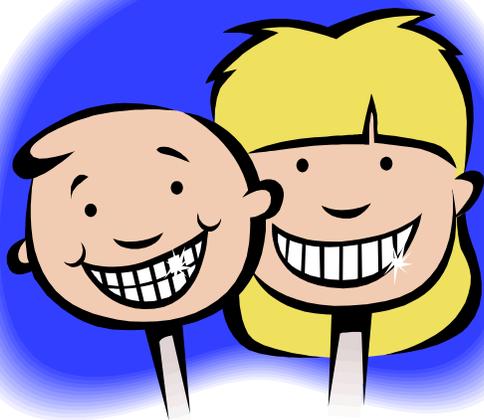
- Listen
- Make sure you understand before you respond.
- Do not use bad language or name-calling.
- Do not try to have a discussion if you have been using alcohol or drugs.
- If you feel yourself getting angry, agree to stop and come back to the conversation later.
- Freely exchange information about the children.

Your children will notice when you respect each other and will be happy about it.

Please Don't

- Make children choose between parents.
- Use your children as a way to get back at the other parent.

Discuss issues about the children in private.



Remember, your children are probably listening while you talk on the phone, even after you've asked them to "go to the other room and play."

Continuing to Fight Hurts Children



Do Not Put the Children in the Middle!

- Do not send messages for the other parent through your children.
- Do not question the children regarding the other parent.
- Do not make your children have to pick between parents.
- Give the children a safe place to live when they are with you.
- Put your children first, even before a new romantic interest.

Avoiding Pitfalls

- Check out your children's claims about the other parents with that parent.
- Don't blame or jump to conclusions.
- Communicate parent to parent.
- Be careful of the influence of other people.
- Stay in the "now" and let the past be in the past.



Helping Children Cope

How will the separation affect the children?

Children will have two main concerns:

- Being separated from one of their parents.
- Feelings of grief and loss because the original family does not exist anymore.



The children will feel lost. Their own natural place in the family is not the same anymore.

Most children have a "secret" mission to reunite their parents.



If asked, children will usually prefer the parents to stay together instead of separating. This is still the case even when the relationship has been very difficult. Children are extremely loyal to their parents. They will often deny and hide their own feelings to protect their parents.

Many children feel guilty when their parents separate. They think that if they had just behaved better or done better in school, it would not have happened. It is important to explain to a child that they did not cause the separation. A child needs to know that the separation is a result of the parents not being able to work things out.

Children often experience a conflict of loyalty. When they are with one parent, they feel guilty about not being with the other, and vice versa.

Tell your child it is okay to spend time with the other parent and that you know they want to be with the other parent as well.

How will your children react?

Children will always react to separation. The question is in what way and how



A child who does not show any feelings or reactions needs help to express what is going on inside. Otherwise, they are more likely to suffer depression later.

Pre-school children may show regressive behavior. This means children may return to an earlier stage of development and, for example, start to wet themselves again. Pre-school children may become confused, irritable, or worried.

Children between six and nine are very vulnerable. At this age, a child is still not mature enough to understand what is going on, but is old enough to understand that something very unpleasant is taking place. They still depend very much on parents and will have a hard time talking about their emotions. They may react with anger, have problems concentrating in school, or have learning difficulties.

Children between nine and thirteen may have started having important relationships with other people besides their parents and family. When the parents separate, it will often be good for a child to talk to someone outside the family about their problems and feelings. Parents should consider how their twelve or thirteen-year old feels about living with one parent or the other.

Children ages fourteen to eighteen may take sides in their parent's divorce or separation. They may resist a plan that forces them into a regular visitation schedule so their feelings and needs should be considered. Just like other age groups, teenagers can react with anger, confusion, depression, and behavior problems.

What affects how children will react to a separation?

- The children's ages at the time of the separation.
- How smart they are.
- How mature the children are emotionally.
- The children's relationship with both parents.
- How 'bad' the separation was.
- Other people's reactions to the separation.
- If the children had problems before the separation.
- Whether there are people outside the family who are willing to help.

Can you do something that will make the separation less painful for your children?

Talk to your children about what is happening, but keep in mind their age and their level of understanding.



You can say, for example, "Mom and Dad have some problems. We don't know how it's all going to work out, but we want you to know we are both going to remain in your lives."

Do not involve the children in a discussion about the separation or divorce. That is too much responsibility for them to carry.

Be aware of what your child is feeling and talk about it. Be open to your child telling you what he or she feels even if it makes you uncomfortable or you don't understand their feelings. Everybody is entitled to their own feelings; that goes for children as well.

Children may need to talk about the separation a lot in the beginning and may continue to need to talk about it every once in a while.

Children can express themselves in other ways. Play with your child. Let them act out their feelings or work off tension through energetic games.

Drawing may help your child. Ask about their drawings. This can be a good way to start your child talking about what's going on inside them.

Parents should never criticize an ex-partner in front of their child. It can be tempting, but is very unfair. Children know they are part of both parents and may also feel they are being criticized.

Children should not be messengers for parents after a separation. If a parent needs to tell their ex-spouse something, they should do it themselves. If it is hard for parents to talk face to face, they should write a letter or email each other. It is not fair to use a child as a go between.

Helping Your Child

- Reassure children that their needs will be met.
- Explain that a parent's love is a special kind that never changes.
- Be available for your children as much as possible.
Give your child love and limits.

If a child continues to struggle even after new routines are established, counseling can be considered. A counselor can give advice about how to talk to children.

Trusted good friends can also be involved in supporting the children. Group therapy, or involving other people who are going through the same situation, can also be a big help.



What if there is a new stepfamily?



If the children have to deal with a step mom or step dad or new brothers and sisters right away, life may be even more complicated for them.

Expect difficulties. Children may not like these changes at first. They will need to make adjustments with the other children and the stepparent and find their place in the new family.

Blending new families together takes patience and understanding.

Building a Parenting Plan

It is Your Plan

- Design your plan to fit your family's needs.
- There is no one right or typical plan that will work for all families.
- A good parenting plan considers the children's needs first, while balancing each parent's work schedule.

Children's needs:

- Each child is unique and has his or her own personality, abilities, and temperament. They need to have their own unique experiences taken into consideration. For example, some children like change and others are anxious about moving from house to house.
- As children grow and develop, their needs change. For instance, a plan for a five year old will not work with a teenager.
- In addition, your plan should fit your child's basic developmental needs. Remember, children grow and develop at different rates.
- Some children have special health, psychological or education needs, which must be considered.
- Children have school and extra curricular activities.

Most children like to know things will happen the same way each week, so plans need to include regular times with each parent. Marking the schedule on a calendar helps everyone maintain the same routine.



Parent's Needs:

- Consider each parent's work schedule and availability.
- Consider the location of each parent's home and the travel time for the children.

ASK YOURSELF:

- How do the other parent and I handle conflict with each other?
- What kind of future parenting relationship is possible between us, knowing our history together?
- How frequently do I want to be in contact with the other parent about the day-to-day details of our child's life?
- How can I comfortably meet the other parent at parties, school, conferences, and other functions important to our child?
- How did the other parent and I share parenting responsibilities and time in the past?
- How do the other parent and I share parenting responsibilities and time with our child now?
- Am I okay with the current arrangements? Why or why not?
- Is our child okay with the current arrangements? Why or why not?
- If changes are in order, what would be best for our child?



CHILDREN'S STAGES OF GROWTH

Babies - Birth to one year

- Babies are learning to trust their caregivers and their surroundings.
- Babies can feel loss if their caregivers or surroundings change a great deal.
- Babies learn to trust caregivers by being held, played with, fed, soothed, and talked to gently, and having their needs met promptly.
- Babies have short memories so they need frequent contact with both parents.
- Babies can hold on to "emotional memories" of conflicts, which can have long-term negative effects for them, so parents should not argue where babies can overhear.
- Around six to twelve months, infants recognize their parents and other caregivers and may become uneasy around strangers.
- Regular caregivers should be able to recognize the baby's signals for food, comfort, and sleep.
- When away from regular caregivers, infants may become anxious and may experience eating and sleeping problems.
- It is important to maintain the baby's basic sleep, feeding and waking cycles as much as possible. Schedules should be adjusted so that disruption is minimized.



Recommendations for parents who live close to each other

- It is important for babies to have a primary residence.
- The parent who does not have the child in their home needs to have short, regular daily visits if possible.
- Overnights in two different homes are not recommended for babies.

Recommendations for parent who live far apart

- When ever possible the non-custodial parent should travel to the baby's home for visits.

Risks

Loss of contact with a primary parent may result in symptoms of depressed mood (sadness or anger) or regressed behavior (acting younger).

A baby who is separated from a "primary caretaker" for too long a period may have problems feeling safe as he or she grows up.

Toddlers - One Year to Five Years



- Toddlers' personalities begin to blossom.
- Toddlers can hold an image of the absent parent in their minds to comfort themselves for extended periods.
- Toddlers begin to talk and express their feelings and needs.
- Toddlers are working on controlling their emotions and body functions.
- Toddlers have the ability to comfort themselves by sucking their thumb or holding onto a favorite blanket or toy.
- Toddlers test parents' limits and need simple rules and consequences.
- Their sleeping and eating schedules become more regular.
- Toddlers begin to identify with the same-sex parent.

After Separation

- Toddlers may feel responsible for the separation or fantasize about the family remaining together.
- Toddlers may be anxious about their basic needs being met or fear being abandoned.
- Difficulties in moving between households with toddlers can be expected.
- Parents can make exchanges easier for the child by following schedules and by supporting the child's relationship with each parent.

Recommendations for parents who live close to each other

- If parents separate when a child is a toddler, the parents should try to spend the same amount of time with the toddler as they did before their separation.
- Introduce the toddler to longer visitation periods gradually so a toddler can adjust.
- With toddlers, start with one overnight per week initially and then slowly extend the visits until the toddler enters school.
- Midweek daytime or early evening visits can be good for toddlers.

Recommendations for parents who live far apart

- With toddlers, start with one overnight initially and then slowly extend the visits until the toddler enters school.
- The residential parent should help maintain essential phone and letter contact with absent parent between visits.
- Send the toddler with photographs, their favorite toys, or anything else, which reminds them of the absent parent.

Risks

- Toddlers who are struggling with their parent's separation may act more baby-like and lose skills like toilet training, speech skills, and social skills.
- The toddler may lose an opposite-sex parent or same-sex parent as role model.
- The toddler may feel abandoned, which may result in sadness, and a feeling that they are not good enough. This can have a long-term effect on how children feel about themselves, as they grow older.
- If the toddler has witnessed the parents' fighting, they may carry with them the example of dealing with problems through anger and violence and begin acting out in violent ways.



School Age Children - Six To Nine Years

- School age children enter the bigger world where friends, school, and activities begin to become important.
- School age children begin to learn about what is right and wrong and how to solve problems.
- School age children begin to learn to care about others.
- School age children begin to develop an idea of their own skills, talents and challenges.



After Separation

- School age children may experience intense longing for the absent parent.
- School age children may fantasize about parents getting back together.
- School age children may blame themselves for the separation and become very sad.
- School age children may fear losing both parents.

Recommendations for parents who live close to each other

- For school age children, it can work to alternate the time at each parent's home, if consistent contact with community, peer group, school and extracurricular activities can be maintained.
- School age children can usually cope with multiple overnights.

Recommendations for parents who live far apart

- School age children can usually spend longer time away from their primary residence.
- A parent of a school age child may visit more frequently if they are willing and able travel to the area of the child's primary residence. During these visits, the child should maintain contact with their community, peer group, school, and extracurricular activities.
- The school age child must be given help to maintain phone and letter contact with the absent parent between visits. Homesickness is normal for school age children so limiting lengthy visits in the beginning of this stage may help.
- Visits may be longer (up to 4 weeks) toward the end of this stage.

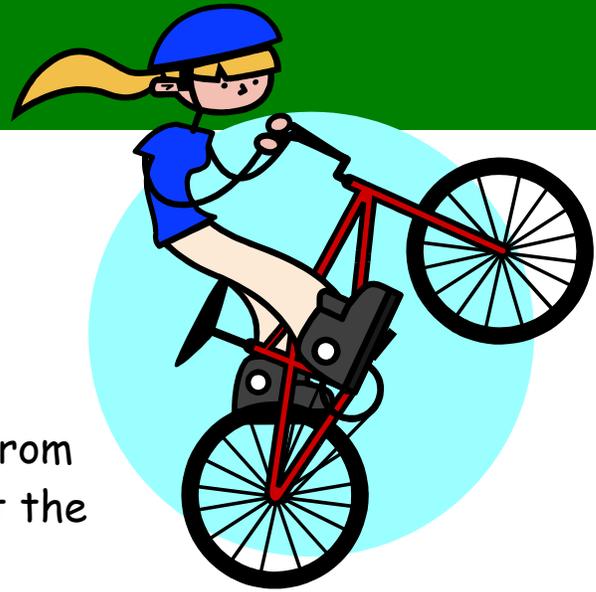
Risks

- Like the toddler, a school-aged child will often return to old behaviors when they are under stress, feel sad or worried.

- School age children may have problems concentrating in school or have behavioral problems. These problems need to be dealt with calmly without blaming the other parent.
- If the above problems continue, the child may become depressed and need professional help in dealing with the changes in the family.
- School age children may do things in an attempt to reunite the parents.
- School age children may take offense to the parent's dating or even talking about other people romantically.



Preteen Children Ten to Twelve years



- Preteens are developing and discovering their strengths and weaknesses and comparing themselves to others.
- Preteens spend more time away from home doing things, which interest the child.
- Preteens have increased awareness of themselves and often worry about how they fit in with their peers.

After Separation

- Preteens may take sides or blame one parent for the split up.
- Preteens want adult-level explanations without bias.
- Preteens often want to have a say in their living arrangements.
- Parents should be flexible but remember that preteens still need regular contact with both parents.
- As preteens begin junior high school, parents should consider the children's school and extracurricular activities.
- Preteens may feel ashamed or embarrassed about the separation in social settings, especially if the parents don't get along.

Recommendations for parents who live close to each other

- A preteen can handle one home base with specific evenings, weekends, and activities at the other home scheduled for regularity and predictability.
- The preteen needs to maintain accessibility to school, peers, extracurricular and community involvements from both homes.

Recommendations for parents who live far apart

- Preteens can be taught to travel on their own to visits.
- The preteen can visit with the non-residential parent part or all of winter break, spring break, and summer break.
- Phone and computers can be used by preteens to remain in contact with the non-resident parent.

Risks

- Preteens may have significant academic problems after a separation or they may feel pressured to be "perfect."
- Preteens may begin lying or using other deceptive behaviors.
- If preteens get involved in the struggle between the parents by forming an alliance with one parent against the other, it may damage or destroy one of the parental relationships.
- The preteen may feel lonely, depressed or develop feelings of low self worth, especially if they feel rejected by either parent.
- Preteens with separated parents are more vulnerable to experimenting with smoking, drugs, alcohol, or sexual behavior.



Teenager - Thirteen to Eighteen



- The primary job of a teenager is to learn to stand on his or her own two feet.
- Teenagers are making important decisions about who they are and will be.
- For many teenagers friends, school, activities and relationships may be as important or more important than family.
- Teenagers are adjusting to the loss of dependency and protection within the family.

After Separation:

- Teenagers may take sides by making one parent the "good" parent and the other the "bad" parent.
- Teenagers may change their loyalty to get their way.
- Teenagers may feel a need to grow up too fast.
- Teenagers may resist a strictly defined parenting plan.
- Teenagers will need boundaries with enough flexibility to grow and explore.
- Teenagers may feel embarrassed about the separation, especially if the parents are not getting along.
- Each parent may need to schedule time to be together with a teenager.
- Teenagers may make peer relationships more important than family and thus not want to follow the parenting plan.

Recommendations for parents who live close to each other

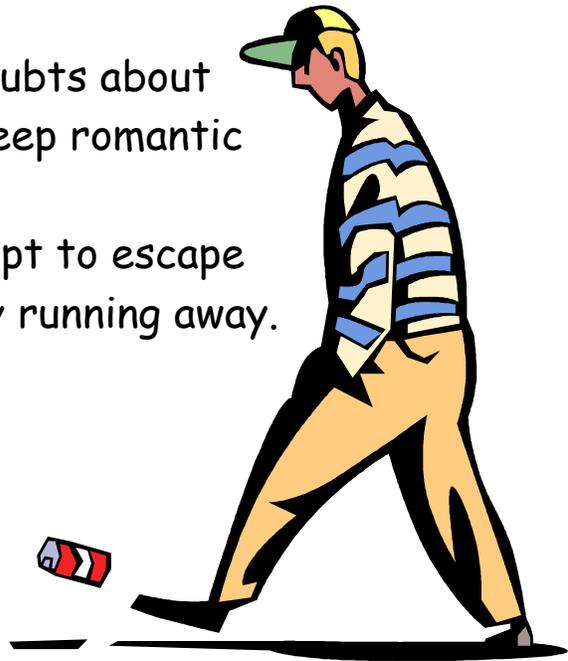
- Time-shares can be more creative with teenagers but should be based on a permanent schedule with built in flexibility.
- It is essential to get a teenagers input regarding the time they spend with each parent. Forcing a teenager into a schedule he or she had no involvement in creating can be a recipe for disaster.
- Do your best to allow your teenager to maintain accessibility to school, peers, extracurricular activities, church, and community and still have a relationship with you.
- You may be able to create additional time with your teenager by going to dinner, seeing a movie or doing another activity together.

Recommendations for parents who live far apart

- Involve your teenager in making plans for visits.
- Be respectful of your teenager's life and involvement with peers and outside activities.
- Stay in contact with your child's school by phone, letters, and emails.
- Travel to watch your child in sports events, performances or to see them receive awards.

Risks

- When a teenager's life has been disrupted, they often act out through anger, by letting their grades fall, using drugs or alcohol, or becoming rebellious.
- Some teenagers may become more immature, child-like, and clingy.
- Some teenagers will feel a responsibility to take care of one parent.
- Teenagers may express doubts about their ability to have and keep romantic relationships.
- Some teenagers will attempt to escape their home environment by running away.



Some Additional Question to Ask Yourself before Deciding on Your Plan

- What are our child's individual qualities and what does our child need from each us?
- In what ways does each of us provide important things to our child?
- How is our child doing right now?
- What is working now? Continue what works in your plan.
- What is not working? Do something different in your plan.
- What kind of person is our child? What makes our child special?
- In what situations does our child seek out one parent? In what situations does your child seek out the other parent?
- When our child is in a difficult situation, for example, during separation and reunion, when feeling overtired, or in an unfamiliar situation, how does our child reach out to us?
- How does our child let us know that something is wrong?
- How does our child handle the current parenting arrangements?
- Has our child expressed any feelings, reactions, concerns, or preferences regarding the future?
- How has our child's behavior changed since the separation?
- How does our child react to change? What makes it easier for our child to accept change?
- How are our children's needs different based on their ages, personalities, likes and dislikes?
- What else is important in our child's life?
- Who are the extended family members and other caring people who are important to our child?
- How do you relate to your child and your child's other parent?
- When am I at my best with our child?
- What helps me and my child to get along well?
- When am I at my best with the other parent?
- What can help me and the other parent get along for the sake of our child?
- What am I trying to do better?
- How can other people help our family?

Try to plan a schedule that will allow each parent to be at his or her best when the child is with each parent.

Detailed and Open-Ended Parenting Plans

Parenting plans can be detailed or open-ended depending on how well parents work together.

Why Have a Detailed Parenting Plan?

- A parenting plan is like a map.
- A detailed plan can eliminate confusion.
- A detailed plan can be enforced by the police, if necessary.
- A detailed plan is essential if parents do not trust each other or have poor communication.

An example from a Detailed Parenting Plan

The child will be with his father each Wednesday evening from 6 p.m. until 8 p.m.

Why Have an Open-Ended Parenting Plan?

- The parents communicate well and want to be able to make changes.
- The parents seldom have conflicts.
- The parents are determined to parent cooperatively.
- The parents focus on the needs of the children day to day.

An example from an Open-Ended Parenting Plan

The child will share time with his father once a week as mutually arranged and agreed upon by the parents.

Safety Comes First

If you have any serious safety concerns PLEASE tell your mediator immediately and make sure your parenting plan protects you and your children.

Supervised visitation may be ordered by the judge under certain circumstances to insure the safety and well-being of the child. This can happen when there is an alcohol or drug problem, a history of child abuse or neglect, family violence, or other serious problems.

Substance Abuse

Includes:

- Excessive use of alcohol.
- Taking of prescription drugs other than what has been prescribed by a physician.
- Use of illegal drugs.



Possible risk factors of substance abuse

- Parents cannot watch children carefully when using drugs.
- Children are likely to see a parent out of control.
- A parent may drive with children in the car while under the influence.
- A parent may sleep late leaving children to fend for themselves.
- Increases the potential for child abuse and/or neglect.
- Children often are absent or late to school.
- Children may wear dirty clothes and not bath regularly.

Possible signs of substance abuse

- Extreme mood swings.
- Changes in appearance or behavior.
- Black outs or does not remember events.
- Past abuse of substances.
- Spends time with family or friends who are known to abuse substances.
- Often runs out of money or asks to borrow money.
- Makes excuses for missing visits.

Child Abuse

Child abuse may include physical abuse, neglect of basic needs, lack of adequate supervision, a failure to protect, emotional abuse and sexual abuse.

Some signs to watch for in children may include but are not limited to:

- Significant changes in behavior and/or school functioning.
- Personality changes.
- Showing fearful responses to one parent or the other.
- Unexplained injuries.
- Lack of medical attention when needed.
- Frequently absent from school.
- Fearful of talking about what happens at other parent's home.
- Not being allowed to play with other children.
- Clothing is often dirty and not appropriate for the weather.
- Abuse of alcohol and/or drugs by the child.
- Child does things to harm him or herself.
- Child claims he or she is being abused.



Some of the signs to watch for in adults may include but are not limited to:

- Unwilling to allow child outside of home.
- Appears to ignore the child.
- Exhibits emotional difficulties such as depression.
- Abuses alcohol and/or drugs.
- Has a history with Child Protective Services.
- Constantly berates, belittles or blames child.
- Does not show affection to the child.
- Has problems being a responsible parent.
- Treats child as an adult.



If you suspect child abuse you should contact Law Enforcement and/or Child Protective Services.

Remember: When a child's life changes their behavior often changes. It is important to have good communication with the other parent to address changes in the child before contacting authorities. Intentional false reporting of child abuse can lead to emotionally damaging effects on a child and may have legal consequences.

Domestic Violence

May include:

Physical Force

- Hitting
- Kicking
- Slapping
- Pinching
- Cutting
- Burning
- Pushing
- Throwing things

Sexual Assault

- From unwanted touching to rape.

Bullying and Control

- Hurting or threatening to hurt a loved one, a pet, or destroying personal property.
- Severely limiting a person's contact with family or other supportive people
- Severely limiting a person's ability to have financial independence
- Using looks, actions, and gestures as threats.

Emotional Abuse

- Yelling and using obscenities
- Using put downs
- Making you feel guilty for the domestic violence



- Treating a person as if they are of little worth
- Threatening to use physical force, injure, or kill.
- Threatening to take children away or limiting visitation.
- Destroying or taking personal property
- Displaying weapons
- Threatening to harm or kill self.

- Making you believe you are crazy or stupid

Domestic Violence is *ALWAYS* harmful to children, even if the children have never been physically hurt and have only witnessed the violence.

They may develop emotional, behavioral or social problems. Even infants and very young children can be negatively affected.



Children need to be
protected from
violence.

Other Things to Consider

In mediation, you will be asked to address some of these areas:

- Weekend and midweek visitation

Holidays

- New Year's Day
- Mother's Day
- Father's Day
- 4th of July
- Labor Day
- Halloween
- Thanksgiving Day
- Christmas Day
- Easter
- Other Religious Holidays

Three Day Weekend Holidays

- Martin Luther King Day
- Memorial Day
- President's Day
- Labor Day

- Traveling with the child
- School activities
- Sharing information with the other parent
- Transportation



- Medical emergencies
- Vacations
- Sharing addresses and phone numbers
- Moving out of the area with the child

Custody

The law says, "Custody shall be shared by the parents so as to assure children frequent and continuing contact with both parents. The contact is subject to factors determining the children's best interests and their health, safety and welfare."

Joint Legal Custody

"Joint Legal Custody" means each parent, independent of one another, shall be able to make decisions about the health, education, and welfare of their child.

Sole Legal Custody

"Sole Legal Custody" means that one parent shall make all of the decisions about the health, education, and welfare of their child.

Legal Custody

Be aware that no matter what legal custody agreement is reached, both parents have access to medical, dental, and school records.

Joint Physical Custody

"Joint Physical Custody" means that each parent shall have significant periods of time with the child. Physical custody refers to the time the children spend with each parent. Several factors will be considered in deciding physical custody: the age of the children, parent's schedules, each child's school schedule and activities are examples of factors.

Sole Physical Custody

"Sole Physical Custody" means a child shall live with and be under the supervision of one parent and the court can order visitation with the other parent.

Primary Custodial Parent and Primary Residence

"Primary Custodial Parent" and "Primary Residence" are two different ways of saying the same thing. They basically mean with whom the child primarily lives.

Books

Books for Adults

Marc J. Ackerman, Ph.D. (1997). "Does Wednesday Mean Mom's house or Dad's"
Parenting Together While Living Apart. John Wiley & Sons, Inc.

A practical guide for divorcing parents, emphasizing that the well-being of the children involved is always more important than the concept of winning.

Isolina Ricci, Ph.D. (1997). Mom's House, Dad's House: Making Two Homes for Your Children. Fireside

Isolina Ricci's *Mom's House, Dad's House* guides separated, divorced, and remarried parents through the hassles and confusions of setting up a strong, working relationship with the ex-spouse in order to make two loving homes for the children. This expanded and revised edition (the book was originally published in 1980) includes tools to deal with emotional and legal issues as well as reference materials and resources.

Jeffrey P. Whitman, Ph.D. (2001) Custody Chaos, Personal Peace Sharing Custody with an Ex who Drives You Crazy. The Berkley Publishing Group

This is the book for the frustrated parent coming out of a divorce who needs support in setting things right-the healthy, sensible, and sane way.

Lynda Bevan (2006). Life After Your Lover Walks Out: A Practical Guide. Loving Healing Press,

Life After Your Lover Walks Out: A Practical Guide is an honest, straightforward book that helps the reader through each step on the road to recovery. The book identifies the feelings that emerge during this emotional upheaval and offers a reservoir of alternative solutions on how to deal with these emotions. The journey of self-discovery is handled sensitively, and is an essential passage in moving on from an unhealthy relationship to a healthy emotional future.

Sharon Wegscheider-Cruse (1994). Life After Divorce: Creating a New Beginning. Health Communications, Inc.

No matter how bad the marriage, there is no way to end it without feeling a sense of loss. The difference between people who live in the pain and those who grow from the experience is the knowledge of how to grieve and let go. To recover from the trauma of divorce requires turning losses into opportunities.

John W. James and Russell Friedman (2002). When Children Grieve: For Adults to Help Children Deal with Death Divorce, Pet Loss, Moving and Other Losses. Harper Collins Publishers

The book is about grief in a broad sense. Its lessons apply not only to the children whose pet, aunt, or parent has died, but also to children whose parents have divorced, who have suffered a debilitating injury, or who have experienced other forms of traumatic loss.

M. Gary Neuman, L.M.H.C. (1999). Helping Kids Cope with Divorce: the Sandcastles Way. Random House

This intensive workshop helps kids open up and deal with their feelings through drawings, games, poetry, role playing, and other activities.

Sandra Blakeslee (2004). What About the Kids? : Raising Your Children Before, During and After Divorce. Hyperion

The author offers advice that runs the gamut, from answering questions children ask about divorce to choosing the best custody arrangement. This is a very valuable resource for families at any stage of breakup.

Risa J. Garon (1999). Talking to Your Children About Separation and Divorce: A Handbook for Parents, Children of Separation and Divorce Center Inc.

This book has great information about talking to your children when you are going to separate. It gives great examples.

Books for Children

Isolina Ricci, Ph.D. (2006). Mom's House, Dad's House for Kids: Feeling at Home in One Home or Two. Fireside

Isolina Ricci's *Mom's House, Dad's House* has been the gold standard for inspiring and supporting divorcing and remarrying parents for more than twenty-five years. With her new book, Dr. Isolina adapts her time-tested advice on maneuvering the emotional, logistical, and legal realities of separation, divorce, and stepfamilies to speak directly to children. Alongside practical ways to cope with big changes she offers older children and their families key resiliency tools that kids can use now and the rest of their lives. Kids and families are encouraged to believe in themselves, to take heart, and to plan for their lives ahead.

Vicky Lansky (1998). *It's Not Your Fault, Koko Bear: A read together book for parents & young children during divorce.* Book Peddlers

Koko Bear's parents are getting a divorce, and Koko, a preschool-aged unisex bear, is not happy about it. "I don't like this divorce. I don't want two homes," Koko says. Koko Bear's story does not minimize children's pain, but it does not wallow in it either. The message is positive: children are reassured that their feelings are natural, that their parents still love and will care for them, and that the divorce is not their fault. At the bottom of each page, there are bullet points for parents that give information and advice about what the kids are going through, and the best way to handle each issue as it arises. (*Ages 3 to 7 and parents*)

Pat Thomas (1999). *My Family's Changing (A First Look At Series)*. Barron's Educational Series

My Family's Changing (A First Look At Series) deals with the basic problems and feelings accompanying a divorce and is directed to children and those adults who are helping them confront this traumatic experience. The signs of an impending marital separation; experiences that may occur with divided custody; and common emotions of sorrow, anger, and loneliness are addressed. Questions designed to help youngsters discuss various aspects of their situations are interspersed throughout the narrative.

Cynthia MacGregor (2004). *The Divorce Handbook for Teens.* Impact Publishers

The Divorce Helpbook for Teens is a straightforward guide for teenagers dealing with their parents' divorce. Addressing young people in a plain-terms manner without any condescension, it covers such common questions as why parents get divorced, how divorce changes people's lives, how to say "no" to a parent who wants the children to carry messages to (or spy on) the other parent, what to talk about when visiting a parent who moved away, and more.

Court Contact Information

Family Court Services (Mediation) - 661-868-4530
Family Law Department - 661-868-5393 option #2
Family Law Facilitators - 661-868-5393 option #2

Child Support Services
1300 18th Street
Bakersfield, California 93301
661-868-6500 or 800-980-2021

Websites

Kern County Superior Court Website
<http://www.kern.courts.ca.gov>

Co-parenting plans
<http://missourifamilies.org/features/divorcearticles/divorcefeature34.htm>

Iparenting
<http://www.iparenting.com/>

The Effects of Divorce on Children
<http://extension.unh.edu/Family/Documents/divorce.pdf>

Helping Children Understand Divorce
<http://californiadivorce.info/psychology.children.understanddivorce.htm>

Divorce matters - Talking with children, Iowa State University
<http://www.extension.iastate.edu/Publications/PM1638.pdf>

Family Law Forms

<http://www.courtinfo.ca.gov/cgi-bin/forms.cgi>

National Council on Child Abuse and Family Violence

<http://www.nccafv.org/child.htm>

California Family Code

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=fam&codebody=&hits=20>

Stepfamily Association of America

<http://saafamilies.org/>

Up to the Parents

<http://www.uptoparents.org/>

Proud to Parent

<http://www.proudtoparent.org/>

Breakthrough Parenting Services, Inc.

<http://www.breakthroughparentingservices.org>

Court Ordered Services



DHS court ordered
services.pdf

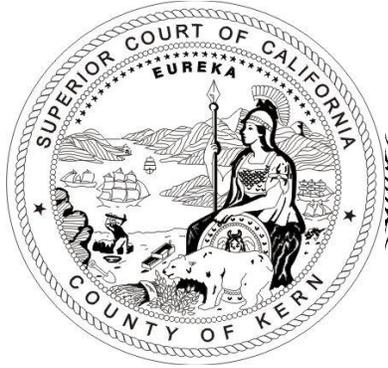
Domestic Violence Intake Questionnaire

Name: _____ Today's Date _____

- | | | |
|--|-----|----|
| 1) Is the Restrained person jealous of your friend/family/co-workers etc.? | Yes | No |
| 2) Has the restrained person violated prior restraining orders or other orders of the court? | Yes | No |
| 3) Has the restrained person been stalking you or has s/he held you hostage? | Yes | No |
| 4) Has the Domestic violence increased in frequency or severity? | Yes | No |
| 5) Does the restrained person have a history of alcohol or drug abuse? | Yes | No |
| 6) Are you in fear for your life or has the restrained person threatened to hurt or to kill you or the children in the last 15 days? | Yes | No |
| 7) Has the restrained person ever hurt you in front of the children or have they hurt the children? | Yes | No |
| 8) Is this the first time you have left the restrained person or obtained a restraining order against that person? | Yes | No |
| 9) Are you requesting separate mediation? | Yes | No |
| 10) Have you or the children been physically injured by the restrained person? | Yes | No |

How long ago? (Please circle one)	1-15 days	15- 30 days	30- 60 days	60- 90 days	90+ days
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Pursuant to Family Code section 3181 (b) if you have alleged domestic violence in your written declaration, under penalty of perjury or are a party with / filing for a protective order, and you request, the mediator will meet with you separately.



Informed Consent for Mediation

You have been referred to mediation as the result of filing a Family Law matter, which involves children in Kern County Superior Court. The purpose of mediation is to see if the parents can agree upon a parenting plan for their children. Mediators are trained mental health professionals and their job is to assist you in the development of a plan for the children's custody and visitation. We are guided by professional, legal and ethical concerns that parenting plans are in the best interest of the children.

1. Confidentiality

Mediation is a confidential process. This means that mediators do not discuss your case with any other parties including the judges except under certain exceptions. The exceptions to confidentiality are:

A. Suspected Child Abuse - As mental health professionals, we are mandated to report suspected child abuse or neglect to Child Protective Services.

B. Danger to Self or Others - As mental health professionals, we have certain legal and ethical obligations to insure the safety of others. If someone presents a danger to him/herself or to another person, there are certain steps which we will take which will involve law enforcement and other parties.

C. Appointment of Counsel for Minors - If we have concerns that the children need representation in Court, we can ask that the Judge appoint an attorney to represent the children in Family Law proceedings. This does not mean that the Judge will grant the request.

D. Recommendation of an Investigation – If we believe the court needs more information in order to make its decision, we can recommend that the court order a child custody evaluation. This does not mean that the Judge will grant the request.

We do not make recommendations to the Court regarding custody and visitation as a result of mediation.

2. Domestic Violence

The law allows for separate mediation when there are allegations of domestic violence or a restraining order is in place. This is why we ask about domestic violence when your appointment is set. Alleged victims are allowed to have a support person with them during mediation.

3. Interviews with Children

We ask that all children 8 years of age and older be present at mediation so that the mediator may interview them. Mediators will not ask your children with whom they wish to live because we do not believe that it is in their best interest to make that choice but we will discuss their concerns with the children. Because of confidentiality, we will only share with the parents what children give us permission to share.

4. Conflicts of Interest

Mediators are to be neutral third parties: if you believe there is a conflict of interest with the mediator you are assigned, please tell them before mediation starts and a new mediator will be assigned to your case.

5. Complaints

If you have a complaint about the mediation services you receive, please contact Patricia Arredondo at 661-868-4508.

6. License Status

Mediators are required to have a Masters Degree in a behavioral health field: our mediators are licensed or are interns. They are required to tell you the status of their license.

I have read and understand this Consent for Mediation, and expressly consent to the Kern County Superior Court Family Court Services and its agents and employees to conduct this mediation.

Signature of Petitioner Printed Name Date

Signature of Respondent Printed Name Date

Case Number _____

Mediation Questionnaire

Name: _____ Date of Birth: _____

Address: _____

Phone #: _____

Do you have an attorney? ____ # of past mediations: ____ Time since separation: ____

Please rate how cooperative you and your child(ren)'s other parent are:

Very cooperative Sometimes cooperative Rarely cooperative Never cooperative

How do you communicate information about the child(ren) to the other parent?

In person Through telephone calls Through written notes or e-mail
 Through the children Not at all

Please check the box that most closely matches the reason you are here:

Separation/Divorce Child Support Relocation of one parent
 Change existing custody/visitation plan
 Other (please explain): _____

Please rate your confidence in your ability to come to an agreement with the other parent in mediation:

Very confident Somewhat confident Not confident

Please rate the amount of conflict you have with Your child(ren)'s other parent.

Low Medium High

Please rate your willingness to share the child(ren)'s time with the other parent.

Low Medium High

Do you currently have a visitation schedule that allows both of you to have contact with your child(ren)? If so, what is the schedule and how long has it been in place?

How are your child(ren) doing with this schedule?

Do you currently have or have you in the past had a restraining order against the other parent?

Does your child(ren) have any special or unique needs that you would like the mediator to know about?

Is Child Protective Services currently investigating either parent? Yes No

